

Cynthia O'Donnell  
93 Greenwood Street  
Naugatuck, CT 06770

**STATE OF CONNECTICUT  
BOARD OF EXAMINERS FOR NURSING**

State of Connecticut  
Department of Public Health

vs.

Cynthia O'Donnell, LPN  
Licensed Practical Nurse License No. 018122  
Respondent.

CASE PETITION NO. 940816-11-040

AMENDED MEMORANDUM OF DECISION

**BACKGROUND**

On August 31, 1995, the Board of Examiners for Nursing (hereinafter the "Board") issued a Memorandum of Decision vacating a Summary Suspension of licensed practical nurse license No. 018122 of Cynthia O'Donnell (hereinafter the "Respondent") and placing said license on probation for a period of four (4) years commencing September 1, 1995.

Conditions of probation of the Respondent's licensed practical nurse license include:

1. During the first year of returning to the practice of nursing the Respondent shall not be employed in a setting in which controlled substances are administered.
2. The Respondent shall be responsible for submitting to random urine and/or blood screens for alcohol and drugs for the entire probationary period. There must be at least one (1) random alcohol/drug screen monthly during the first, second, and third years of the probationary period and at least two (2) random alcohol/drug screens monthly during the fourth year of the probationary period. In addition there shall be at least two (2) random alcohol/drug screens monthly during the first year that the Respondent is employed as a nurse in setting in which controlled substances are utilized.

On June 19, 1996, the Board considered the Respondent's request to modify the conditions of probation by eliminating the requirement that she not be employed in a setting utilizing controlled substances during the first year of returning to the practice of nursing.

**ORDER**

Pursuant to its authority under §19a-17 and §20-99 of the General Statutes of Connecticut, the Board of Examiners for Nursing hereby modifies the terms of probation as set forth in the Memorandum of Decision dated August 31, 1995 and orders the following:

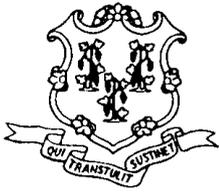
1. The conditions of probation Paragraph 3B of the Memorandum of Decision dated August 31, 1995 is modified to the following:
  - a) The Respondent shall not administer, count or have access to controlled substances, or have responsibilities for such activities in the course of nursing duties during the first year of working as a nurse during the probationary period.
2. The frequency of random alcohol/drug screens as specified in the conditions of probation Paragraph K of the Memorandum of Decision dated August 31, 1995 is modified to the following:
  - a) There must be at least two (2) such random alcohol/drug screens monthly during the first year of working as a nurse during the probationary period.
  - b) There must be at least one (1) such random alcohol/drug screen weekly during the first year of resuming the administration of controlled substances in the practice of nursing during the probationary period.
  - c) There shall be at least one (1) such random alcohol/drug screen monthly at all other times during the probationary period.
3. Other than the changes cited in 1 and 2 above, the Memorandum of Decision dated August 31, 1995 remains in full force and effect.
4. This Amended Memorandum of Decision becomes effective on August 1, 1996.

The Board of Examiners for Nursing hereby informs the Respondent, Cynthia O'Donnell, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Hartford, Connecticut this 24th day of July, 1996.

BOARD OF EXAMINERS FOR NURSING

By 



# STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

September 27, 1999

Cynthia O'Donnell, LPN  
93 Greenwood Street  
Naugatuck, CT 06770

Re: Memorandum of Decision  
Petition No. 940816-11-040  
License No. 018122  
D.O.B. [REDACTED]

Dear Ms. O'Donnell:

Please accept this letter as notice that you have satisfied the terms of your license probation, effective 9/1/99.

Notice will be sent to the Department's Licensure and Registration section to remove all restrictions from your license related to the above-referenced Memorandum of Decision.

Thank you for your cooperation during this process.

Very truly yours,

Bonnie Pinkerton, RNC  
Division of Health Systems Regulation

cc: D. Tomassone  
J. Wojick



Phone: (860) 509-7400  
Telephone Device for the Deaf (860) 509-7191  
410 Capitol Avenue - MS # 12HSR  
P.O. Box 340308 Hartford, CT 06134  
An Equal Opportunity Employer

STATE OF CONNECTICUT  
BOARD OF EXAMINERS FOR NURSING

Department of Public Health v.

Cynthia O'Donnell, L.P.N.

Licensed Practical Nurse License No. 018122

93 Greenwood Street

Naugatuck CT 06770

CASE PETITION NO. 940816-11-040

MEMORANDUM OF DECISION

INTRODUCTION

The Board of Examiners for Nursing (hereinafter the "Board") was presented by the Department of Public Health and Addiction Services <sup>1/</sup>(hereinafter the "Department") with a Statement of Charges and a Motion for Summary Suspension dated September 2, 1994 (Department Exhibit 1). The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Cynthia O'Donnell (hereinafter the "Respondent").

Based on the allegations in the Statement of Charges and accompanying affidavits and reports, the Board found that the continued nursing practice of the Respondent represented a clear and immediate danger to public health and safety. On September 8, 1994, the Board ordered, pursuant to its authority under §19a-17(c) of the General Statutes of Connecticut, that the licensed practical nurse license of the Respondent be summarily suspended pending a final determination by the Board of the allegations contained in the Statement of Charges (Department Exhibit 1).

The Board issued a Notice of Hearing dated September 8, 1994 scheduling a hearing for September 21, 1994 (Department Exhibit 1). The hearing was continued and took place on April 19, 1995 at the

<sup>1/</sup> Prior to July 1, 1995 the Department of Public Health was known as the Department of Public Health and Addiction Services. (Connecticut Public Act No. 95-257)

Department of Public Health and Addiction Services, Second Floor Hearing Room, 20 Trinity Street, Hartford, Connecticut.

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record and the Board's specialized professional knowledge in evaluating the evidence.

### FACTS

Based on the testimony given and the exhibits offered into evidence, the Board makes the following Findings of Fact.

1. Cynthia O'Donnell, hereinafter referred to as the Respondent, was issued Licensed Practical Nurse License Number 018122 on May 18, 1979 and was the holder of said license at all times referred to in the Statement of Charges. (Department Exhibit 1-C)
2. The Respondent was present during the hearing and was represented by counsel. (Hearing Transcript, April 19, 1995, p. 2)
3. During the hearing the Respondent presented a written answer to the Statement of Charges. (Respondent's Exhibit A-I)
4. Pursuant to a Consent Order dated March 16, 1988 the licensed practical nurse license of the Respondent was placed on probation for a period of three (3) years effective April 1, 1988. The probation was ordered due to the Respondent's history of substance abuse. (Department Exhibit 1-D) (Hearing Transcript, April 19, 1995, p.10)
5. Beginning on or about February 1981 until June 28, 1994 the Respondent was employed as a licensed practical nurse at Bradley Memorial Hospital, Southington, Connecticut. (Department Exhibit 1-A) (Hearing Transcript, April 19, 1995, p.10)

6. Beginning on or about 1993 and continuing to June 28, 1994, while working as a licensed practical nurse at Bradley Memorial Hospital, the Respondent diverted for her own use the controlled substances Demerol and Morphine. (Department Exhibit 1-A) (Hearing Transcript, April 19, 1995, pp. 11-15)
7. From on or about 1993 to June 28, 1994, while working as licensed practical nurse at Bradley Memorial Hospital, the Respondent failed to completely or properly or accurately make documentations in the medical or hospital records, and falsified one or more controlled substance receipt records. (Department Exhibit 1-A) (Answer: Respondent's Exhibit A-I) (Hearing Transcript, April 19, 1995, p. 12)
8. On June 28, 1994, while on duty as a licensed practical nurse at Bradley Memorial Hospital, the Respondent self administered the controlled substance Demerol which she had diverted. (Department Exhibit A-1, pp. 2, 21-22)
9. From on or about August 1, 1994 to August 17, 1994 the Respondent underwent treatment for chemical dependency in the Acute Day Treatment Program at BlueRidge Center, Bloomfield, Connecticut. The Respondent continues to receive individual therapy for chemical dependency. (Respondent's Exhibit A-III)

### DISCUSSION AND CONCLUSIONS

In consideration of the above Findings of Fact, the following conclusions are rendered:

Cynthia O'Donnell held a valid licensed practical nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The Summary Suspension Order, Notice of Hearing and Statement of Charges sufficiently provided information as mandated by the General Statutes of Connecticut §4-177, §4-182 and §19a-17.

The hearing was held in accordance with Chapters 54 and 368a of the General Statutes of Connecticut as well as §19-2a-1 through §19-2a-30 of the Regulations of Connecticut State Agencies. The Notice of Hearing, Statement of Charges and the hearing process provided the Respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of her license as required by the General Statutes of Connecticut §4-182(c).

Paragraph 2 of the Statement of Charges alleges that on or about 1993, and at subsequent times, while working as a licensed practical nurse at Bradley Memorial Hospital, Southington, Connecticut, the Respondent:

- "a. diverted Demerol and morphine;
- b. abused or utilized to excess one or more of said medications;
- c. failed to completely or properly or accurately make documentations in the medical or hospital records; and/or,
- d. falsified one or more Controlled Substance Receipt Records."

The Respondent admits these charges. (Answer: Respondent's Exhibit A-I)

The General Statutes of Connecticut §20-99(b) prohibits conduct which fails to conform to the accepted standards of the nursing profession, which includes "... (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions... (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals... (6) fraud or material deception in the course of professional services or activities...."

Based on its findings and the Respondent's admissions, the Board concludes that the Respondent's conduct as specified in Paragraph 2 of the Statement of Charges is proven and are violations of the General Statutes of Connecticut §20-99(b)(2), (5) and (6). Therefore, the Respondent is subject to disciplinary action pursuant to the General Statutes of Connecticut §19a-17.

### ORDER

Pursuant to its authority under Section 19a-17 and Section 20-99 of the General Statutes of Connecticut, the Board of Examiners for Nursing hereby orders the following:

1. That the **Summary Suspension** of the Respondent's licensed practical nurse license, No. 018122,

ordered on September 8, 1994 is **vacated** on the effective date of this Memorandum of Decision.

2. That for Paragraph 2 of the Statement of Charges, the Respondent's licensed practical nurse license, No. 018122, is placed on **probation** for a period of four (4) years.
  
3. If any of the following conditions of probation are not met, the Respondent's licensed practical nurse license may be subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.
  - A. During the probationary period the Board shall approve, in advance, the Respondent's employment within the nursing profession.
  
  - B. During the first year of returning to the practice of nursing the Respondent shall not be employed in a setting in which controlled substances are administered.
  
  - C. The Respondent shall not accept employment as a nurse for a personnel provider service, Visiting Nurse Association or home health care agency and shall not be self-employed as a nurse during the period of her probation.
  
  - D. Should the Board approve the Respondent's employment within the nursing profession the Respondent shall provide a copy of this Memorandum of Decision to her employer and her employer shall notify the Board in writing, as to receipt of a copy of this Decision.
  
  - E. During the period of probation the Respondent, if employed as a nurse, shall cause monthly employer reports to be submitted to the Board by her immediate supervisor.
  
  - F. The employer reports cited in Paragraph E above shall include an evaluation of the Respondent's ability to safely and competently practice nursing. Employer reports shall be issued to the Board at the address cited in Paragraph P below and shall commence with the report due on the first day of the month following employment as a nurse.

- G. At her own expense, the Respondent shall engage in therapy and counseling for chemical dependency with a licensed or certified therapist for the entire period of probation.
- H. The Respondent shall provide a copy of this Memorandum of Decision to her therapist. The Board shall be notified in writing by her therapist, within thirty (30) days of the effective date of this Decision, as to receipt of a copy of this Memorandum of Decision.
- I. The Respondent shall cause monthly therapy reports to be submitted to the Board by her therapist, commencing on October 1, 1995, for the entire probationary period.
- J. The therapist reports cited in Paragraph I above shall include documentation of dates of treatment, and an evaluation of the Respondent's progress, including alcohol and drug free status, and ability to safely and competently practice nursing. Therapist reports shall be issued to the Board at the address cited in Paragraph P below.
- K. At her own expense the Respondent shall be responsible for submitting to random urine and/or blood screens for alcohol and drugs for the entire probationary period, as ordered by her therapist, and/or personal physician, and/or the Board of Examiners for Nursing.

Random alcohol/drug screens shall be legally defensible in that chain of custody procedures must be followed throughout the screening process. The Respondent shall be responsible for immediately notifying the laboratory, her therapist and/or personal physician and the Board of Examiners for Nursing of any drug(s) she is taking. There must be at least one random alcohol/drug screen monthly during the first, second and third years of the probationary period and at least two random alcohol/drug screens monthly during the fourth year of the probationary period. In addition there shall be at least two random alcohol/drug screens monthly during the first year that the Respondent is employed as a nurse in a setting in which controlled substances are utilized.

Random alcohol/drug screens shall be negative for the presence of alcohol and drugs. All positive results shall be confirmed by the Gas Chromatograph Mass Spectrometer (GC/MS) testing method. Chain of custody documentation must accompany all laboratory reports and/or the laboratory reports must indicate that chain of custody procedures have been followed.

Random alcohol/drug screens must include testing for the following substances:

- Amphetamines
- Barbiturates
- Benzodiazepines
- Cannabinoids (THC Metabolites)
- Cocaine
- Meperidine (Demerol)
- Methadone
- Methaqualone
- Opiates (Metabolites)
- Phencyclidine (PCP)
- Propoxyphene
- Ethanol (Alcohol)

Reports of random alcohol and drug screens shall be submitted directly to the Board, at the address cited in Paragraph P below, by the Respondent's therapist or personal physician or the testing laboratory. Reports of said random alcohol/drug screens are due monthly commencing with the report due on October 1, 1995.

- L. The Respondent shall not obtain for personal use and/or use alcohol or any drug that has not been prescribed for her, for a legitimate purpose, by a licensed health care practitioner authorized to prescribe medications, and the Respondent shall not abuse and/or excessively use alcohol and/or drugs.
- M. The Respondent is hereby advised that the ingestion of poppy seeds may produce a positive drug screen result indicating the presence of opiates/morphine. For that reason, any food substances containing poppy seeds should be avoided during the probationary period. In the event that a drug/alcohol screen is positive for opiates/morphine, the ingestion of poppy seeds shall not constitute a defense to such positive screen.

- N. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of employment.
- O. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of address.
- P. All correspondence and reports are to be addressed to:

BOARD OF EXAMINERS FOR NURSING  
Department of Public Health  
150 Washington Street  
Hartford CT 06106

- 3. Any deviation from the terms of probation without prior written approval by the Board of Examiners for Nursing will constitute a violation of probation which will be cause for an immediate hearing on charges of violating this Order and will subject the Respondent to sanctions under §19a-17(a) and (c) of the General Statutes of Connecticut including, but not limited to, the revocation of her license. Any extension of time or grace period for reporting granted by the Connecticut Board of Examiners for Nursing shall not be a waiver or preclude the Board's right to take action at a later time. The Connecticut Board of Examiners for Nursing shall not be required to grant future extensions of time or grace periods. Notice of revocation or other disciplinary action shall be sent to Respondent's address of record (most current address reported to the Licensure and Renewal Section of the Division of Medical Quality Assurance of the Department of Public Health and Addiction Services or the Connecticut Board of Examiners for Nursing.)
- 4. This Memorandum of Decision becomes effective, and the four (4) year probation of the Respondent's licensed practical nurse license shall commence, on September 1, 1995.

The Board of Examiners for Nursing hereby informs the Respondent, Cynthia O'Donnell, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Hartford, Connecticut this 31st day of August, 1995.

1260Q

BOARD OF EXAMINERS FOR NURSING

By

